DETAILED ACTION

1. The Action is responsive to Applicant's amendment, filed on March 18, 2010.

2. Claims 1-20 are pending.

Continued Examination Under 37 CFR 1.114

3. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on March 18, 2010. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendment of the claims.

Applicant argues in substance that the prior art of record Hind, does not disclose the limitations "an input unit which receives an index configuration from a user for configuring indexes of multimedia content" indicating that he criteria for use in the index is learned by the system, the prior art clearly discloses besides the cited figures and paragraphs, in Par [0077] "The criteria used for organizing the relational view may be

selected using process 810, as will be explained below with reference to FIG. 9, and those criteria are then stored 815 in a criteria repository 820. When the user invokes a visual rule builder 830 (or, alternatively, some other type of rule builder), the criteria in *repository 820 are used as input 825 for building new rules.* Those rules are then stored *835 into an index/rules repository 840 for use as input 845 by indexing engine 850." which clearly explains that the "rules", "criteria" is based on the user input* also to further emphasize on the limitations included in the prior art Par [0038] "the present invention uses a user-selectable, user definable, and user-customizable relational model which allows the rendered objects to be organized according to an arbitrarily-complex nesting structure, according to the user's individual preferences" and Hind (Claim 1, "A method for indicating criteria used for organizing electronic objects, comprising steps of: *selecting, by a user, an element of an electronic object in a manner consistent with defined selection settings; and concluding, responsive to the selecting, that the user has indicated a criterion for organizing electronic objects*". The Examiner contends that the limitations argued in Remarks are being teach in the limitations included in the prior art and suggest to the Applicant to add different limitations that will differentiates from the prior art of record.

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Corn Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in

view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon (US 2002/0152267 A1), in view of Hind et al (US 2003/0069900 A1).

A per Claim 1, Lennon discloses:

- ***A device for managing multimedia content in a portable digital apparatus, comprising:*** (Abstract) and (Par [0246]-[0247], includes the “hand portable electronic devices”) and (Fig. 12).

- an input unit for receiving index configuration from a user so that the multimedia content are classified; and (Par [0059]), including the “user input”

- a control unit which produces index information for the multimedia content having the indexes configured according to the received index configuration; and. (Par [0100], “Fig. 15… the transform uses these references as the values of the

mb:id attribute. If these identifiers did carry significance to the user of the metadata then these attributes could have been transformed into index descriptors as, for example, the DC.Description attribute of the Scene element 1544."; Par [0184], "…constructed by the user providing a text query in a search entry box 410 and selecting a simple search function 412. The user is also *able to construct an advanced structured* query using a list of the available index descriptors…", the "user" input is used by the system to transform it into "index descriptors" being the "classified" based on the "input"

- a storing unit for storing a plurality of multimedia content with index information.

(Par [0058, having a "memory unit" being the "storing unit" as claimed.

Lennon do not specifically discloses that the input received from the user is with the purpose of "index configuration from the user"

Hind discloses the "index configuration from the user" (See Fig. 7 and Par [0025], "index are learned upon detecting ocurrenc3e of user-configurable actions…user-specific preferences...")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Hind into the method of Lennon to take advantage of using user's preferences to present the index. The modification would have been obvious because one of the ordinary skills in the art would implement using the user's preferences to provide the user with a personalized output of multimedia content (Hind, Par [0038]).

As per Claim 2, the rejection of Claim 1 is incorporated and further Lennon discloses:

- further comprising an output unit which provides a graphical user interlace (GUI) screen for showing the multimedia content

(Par [0058], "The computer module 901 typically includes at least one processor unit 905, a memory unit 906, for example formed from semiconductor random access memory (RAM) and read only memory (ROM), input/output (I/O) interfaces including a audio-visual interface 907…") and (Par [0265] The user interface described above with reference to FIG. 4 is, like most graphical user interfaces (GUI's)…") and (Par [0256]).

As per Claim 3, the rejection of Claim 1 is incorporated and further Lennon discloses:

- wherein the input unit comprises at least one of a physical button, and a user menu using a graphical user interface (GUI) screen.

(Par [0247], "… 1414 associated with the car equipment 1412, and through depression of a transmit button 1408, the telephone 1404 transmits the metadata associated with the session to the car equipment 1412.") and (Par [0267]), in the mentioned example the device included is a "telephone" which is well known at the time of the invention the mentioned devices encompass "physical button" as claimed.

As per Claim 4, the rejection of Claim 1 is incorporated and further Lennon discloses:

- wherein the control unit is configured to group predetermined multimedia content into a single multimedia group, for the multimedia content with the configured indexes.

(Par [0150], "The schema document also contains declarations for the following TOC descriptors Category, SubCategory, Class and Image. Each of these descriptors is defined to contain the attribute group…") and (Fig. 7).

As per Claim 5, the rejection of Claim 4 is incorporated and further Lennon does not disclose:

- ***wherein the control unit is configured to manage the multimedia content under different folders***

(Par [0292], "The arrangements of FIG. 18A to 18D provide ways of automatically showing information about items and collections of items (in this case links to metadata) when the collection is opened for viewing. Unlike prior art arrangements, the information is displayed…") and (Par [0298]), shows that "the collection item" being the "folder" as claimed.

As per Claim 6, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to create tag information for the multimedia content with the configured indexes.

(Par [0074], "…that descriptors are represented with the element (tag) name being the descriptor name and the content of the element being descriptor value."), the "descriptors" being the "tag" as claimed. And (Par [0079]).

As per Claim 7, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to create metadata files for the grouped multimedia content for the multimedia content with the configured indexes.

(Abstract, "system is described in which a media browser (101), operating as a software application on a user terminal or preferably a server for a number of users, provides a user with a single user interface that facilitates browsing and searching different metadata collections over the Internet…") and (Par [0083]), shows the creating "metadata"

As per Claim 8, the rejection of Claim 7 is incorporated and further Lennon discloses:

- wherein the metadata file comprises at least an index name for a group, and a start or end number of multimedia content contained in the group, wherein the multimedia belongs to the group.

(Par [0078]), including the "Example A" that shows the "attrubuteGroup name" being the "name for a group" as claimed. And (Fig. 7) shows a start and end for the "multimedia content in the group".

As per Claim 9, the rejection of Claim 8 is incorporated and further Lennon discloses:

- wherein the metadata file is provided in extensible markup language (XML) format.

(Par [0071], "The preferred arrangement assumes that all descriptions of multimedia items conform to a schema, and that schemas are expressed or represented using the W3C schema language, XML Schema. Individual descriptions are represented using XML document instances. XML Schemas are also represented as XML documents. Therefore descriptions (eg. of multimedia items) can be stored along with their respective schemas in XML repositories or object stores. Alternatively, the descriptions can be stored in a database and effectively translated into XML documents when required.")

As per Claim 10, the rejection of Claim 4 is incorporated and further Lennon discloses:

- wherein the control unit is configured to represent the multimedia content under folders, based on the index information, or to represent only multimedia content with the configured tag information.

(Par [0038], "FIG. 7 depicts a structured image metadata database") shows the "Tag information" as claimed. And (Par [0107]).

7. **As per Claims 11-12 and 14- 20**, being the method claims corresponding to the device claims 1-2 and 4-10 respectively and rejected under the same reason set forth in connection of the rejections of Claims 1-2 and 4-10 and further Lennon discloses: (Title,

"Method for facilitating access to multimedia content".

As per Claim 13, the rejection of Claim 11 is incorporated and further Lennon discloses:

- wherein the selecting multimedia content comprises at least one of input from a user, and change of date.

(Par [0059]), includes the "user input" as claimed. And (Par [0074]), shows the descriptor value being the "date".

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELICA RUIZ whose telephone number is (571)270-3158. The examiner can normally be reached on 8:00 a.m. to 4:30 p.m., ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angelica Ruiz/
Examiner, Art Unit 2158

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